

**BUTTE-SILVER BOW LOCAL GOVERNMENT
STUDY COMMISSION**

Minutes of the Public Hearing

April 27, 2006

Butte-Silver Bow Courthouse, Third Floor Council Chambers

Meeting Date: April 27, 2006

Time: 5:30 p.m.

Place: Butte-Silver Bow Courthouse, First Floor Conference Room

Call to Order: Chairman Bob Worley brought the meeting to order at 5:45 p.m. and called roll with the following results:

Members Present: Ristene Hall, Tony Bonney, Dave Palmer, Meg Sharp, Cindi Shaw, Northey Tretheway, Bob Worley and Shag Miller

Excused Absences: Ron Rowling, Dave Palmer and Wayne Harper

Approval of Minutes: Bob Worley entertained a motion for the approval of the minutes from April 13, 2006. Tony Bonney motioned and Shag Miller seconded for the approval of the minutes from April 13th. Shag Miller noted a correction be made to the spelling of Jerry O'Brien to Gerry O'Brien. All were in favor and the motion carried. Bob Worley entertained a motion for the approval of the minutes from April 20, 2006. Shag Miller motioned and Ristene Hall seconded. All were in favor and the motion carried.

Comments from Ron Rowling: Absent.

Citizen Comments: Charlie O'Leary, Chairman of The Local Government Commission was present.

Items not on Agenda: Shag Miller called Jim Nugent, City Attorney for the City of Missoula and asked him how their charter was working. Shag stated that Jim was kind of non-committal on that. Shag stated that Jim told him one thing he does not like and is not working were the Neighborhood Councils. Jim had told Shag that all they are is "bitch sessions". Jim continued to tell Shag "they piss people off in government more than anything else".

Shag Miller commented when he spoke to Ron Mercer, who is on Montana County Commissioner of Lewis and Clark County about Neighborhood Councils, Shag stated that they had them but they were literally non-functional. Shag stated in the City of Great Falls, they are currently discussing the problem of replacing the Mayor with a City Manager. They currently have 12 commissioners and 6 districts with 2 commissioners from each district to run alternately. Bob Worley asked Shag if they each ran two-year terms that were staggered? Shag replied that was correct. Shag commented that Ron did not have much to say regarding the operation of their charter. Shag stated that Ron commented on how well Butte-Silver Bow's government operated. Shag stated that Ron told him that Missoula County was too well structured now to consolidate the City of Missoula with Missoula County.

Bob Worley discussed how they have used Missoula's charter as a basis for a simplified or refined charter if they were to decide to do something with Butte-Silver Bow's charter. Bob

commented how he had the understanding that it was never anyone's intention to have Neighbor Councils.

Shag Miller commented that he, personally, does not think there is a need for Neighborhood Councils if there are enough commissioners representing the district. Shag Miller commented that it was stated by Charlie O'Leary that he has about 2900 residents in his district. Shag thought he should be accessible.

Shag Miller stated that Missoula County has around 95,000 people, which would be around 7,000 to 8,000 people that the commissioners have in each district.

Bob Worley clarified that there were 12 commissioners and a Mayor in Missoula. Bob commented that the Mayor of Missoula is elected but not like a Chief Executive. He is more of a figurehead.

Shag Miller commented in Great Falls the Mayor is one of the Council of Commissioners.

Bob Worley believed that was the way Bozeman operated also.

Shag Miller commented that he believed Charlie O'Leary knew 70% of the people in his district.

Cindi Shaw is running for commissioner and stated that she has been going door to door to the people that would be in her district if she were elected. Cindi commented that 3000 people are a lot.

Northey Tretheway commented that Butte-Silver Bow's charter is complex and asked if some of the items in the charter should belong in ordinance? Northey commented whether they choose to vote for a simplified or refined charter, or make the charter more unique to the form and structure of government, they need to allow flexibility to the Council of Commissioners instead of having to wait 10 years or waiting to put it before public vote.

Cindi Shaw made a comment about the survey in the Montana Standard asking the public what they thought about the number of commissioners. Cindi stated that she missed a meeting and asked if it was correct that they have voted on keeping 12 commissioners. Cindi Shaw did not think it was still on the table and wanted to clarify that they have already voted on it and asked if they could reinstate it and vote again?

Meg Sharp replied that they could bring it up again.

Bob Worley confirmed that it could be brought up again if a commission member decides to bring that on the floor in the form of a motion. It would have to be seconded and then voted on in order to come back on the floor.

Bob Worley commented that they have voted on three things, the number of commissioners, electing a Chief Executive and electing a Sheriff.

Cindi Shaw commented that she has had some feedback from the public that they, the Study Commission, were not going to put that before the public as an option since they had voted on keeping it 12. Cindi felt the public is confused.

Northey Tretheway replied that they did vote but thought it was a vote on if they would recommend a change. They have discussed over the past two weeks is not whether they, as a commission feel there is a necessity to make a change but if the public should vote.

Meg Sharp commented that they had passed the existing structure charter on 1-12-06.

Bob Worley replied that the question came up, if they, as a Study Commission are overstepping their bounds and are these questions the public should be voting on rather than them, as a 9-member commission making that decision.

Cindi Shaw replied that she agrees with that but thought they, as a commission over the last 18 months by public comment and hearings, thought they had already done that. Cindi asked if they thought the Montana Standard would provide more input?

Bob Worley replied that he has looked at that and tried to call Gerry O'Brien. Cindi Shaw asked if it was really producing more input. Bob Worley replied that it was not.

Meg Sharp commented that it is going to run again on Sunday.

Ristene Hall commented it was her understanding that they were voted by the people to come up with some positive changes and make some of those decisions to bring to the people. It was not to vote them in to go back and ask the citizens what they want to do.

Northey Tretheway replied that they would have to go back to the public anyway for them to vote on what they recommend.

Charlie O'Leary commented that he thought the Study Commission was elected to review the charter line by line and ponder that. They would then recommend to the citizens of Butte-Silver Bow that they change this or that. They would bring before the public a page of recommendations for change not to simply put the entire charter before the public and say you, the public, make the decision. He thought they were elected to dig up the areas of the charter that are no longer working for Butte-Silver Bow and recommend those changes to the public.

Shag Miller and Bob Worley replied that is the direction they have been working on and they have been doing that.

Bob Worley commented there seems to be questions on three areas: the number of commissioners, an elected versus appointed Chief Executive and an elected versus appointed Sheriff.

Bob Worley commented two other areas they have not finished discussing are the Superintendent of Schools and the Auditor.

Bob Worley stated all the other elected positions they have agreed to leave alone.

Shag Miller thought they had voted to maintain Section 3.03.

Bob Worley replied that they did but it could be by motion, second and majority vote could be brought back to the floor.

Shag Miller commented they are recommending the following changes in the charter, the language change to Section 3.04, setting up a separate department for Animal Control, employment of department heads and the Auditor. They will put those things before the public on an individual basis. Shag Miller made comment of the previous Study Commission combining items.

Northey Tretheway gave an example of the previous Study Commission putting Central Purchasing before the public as a separate item. It had been voted in ten years ago.

Bob Worley commented that he was able to locate a copy of the ballot from June 1996.

Bob Worley discussed that it was requested he get a copy of the existing charter with proposed changes to the County Attorney. Bob Worley read the transmittal that was given to the County Attorney's Secretary. Bob Worley stated the second letter went to Ken Weaver. Ken Weaver had offered to go over any changes the Study Commission proposed. Bob Worley read the letter that had been sent to Ken. It read, please find enclosed a copy of the amended charter for the consolidated government of Butte-Silver Bow. The Study Commission and I as Chairman submit these proposals for change as reviewed by the local Study Commission. As per a previous phone conversation, you had offered to review our work. We would ask that you review these proposed changes and offer any comments for refinement and legality. I and the Study Commission would appreciate your earliest possible reply as time is of the essence. Thank you for all your past assistance, we look forward to hearing from you.

Bob Worley stated that Ken Weaver's Secretary contacted him. Ken is on vacation and will return on May 2nd. Ken's Secretary stated she would make sure he received the letter and return written comments.

Shag Miller and Meg Sharp stated they did not have a copy of the 5th draft.

Bob Worley commented that he has tried several times to meet with him both by phone and in person. He has not been able to reach him over the last six weeks. Bob Worley stated on the 26th of April, he saw Bob McCarthy and told him that he has been trying to contact him. Bob Worley informed him that they needed his assistance. Bob McCarthy told Bob Worley that he would not be their attorney for the Study Commission and nowhere in law does it require that he be their attorney. Bob Worley reminded him that they are elected and that it is his responsibility. Bob Worley told Bob McCarthy if he was not comfortable with being our attorney would he recommend somebody from his office. Bob McCarthy replied nobody from his office would have anything to do with the Study Commission. Bob Worley asked Bob McCarthy if he wanted him to pick up the copy of the charter changes. Bob McCarthy replied no and told Bob Worley he would look them over and get back to him. Bob Worley commented that Bob McCarthy used several adjectives describing the Study Commission. Bob Worley stated a few that he remembered were Bob McCarthy had called them arrogant, know-it-alls, they were insulting to his intelligence, he could spend his time better somewhere else and they (Study Commission) didn't listen to him anyway. Bob Worley stated they need to get the problem straightened out with Bob McCarthy or get an attorney.

Northey Tretheway commented in the charter it states Bob McCarthy is the Chief Legal Council of Butte Local Government. Northey asked Charlie O'Leary doesn't that require him to be their Chief Legal Council also?

Charlie O'Leary replied that is how he would interpret that however, they do hire out on certain items.

Northey Tretheway made reference to the taxpayer having to pay for an attorney when they should not have to.

Charlie O'Leary agreed and stated if Bob McCarthy does not want to attend the meetings anymore that is alright but the final document that has to be approved before it goes to Mary McMahon's office needs the scrutiny for wording and other laws.

Northey Tretheway asked for clarification on Bob McCarthy's statement that by law, he does not have to be their attorney?

Bob Worley commented that he reminded Bob McCarthy that they are elected officials of Butte-Silver Bow and he is their number one legal officer.

Shag Miller read from the Charter, Section 5.04 which states, the County Attorney shall be Chief Legal Officer of the local government...

Bob Worley commented that he also reminded Bob McCarthy that needed him to review the legality of the proposed language changes.

Cindi Shaw commented that they are getting "down to the wire" and they cannot take any chances with the charter problems they have had in the past. They do not want to "shoot themselves in the foot" by not having legal council to approve them. Do they go to the Chief Executive with this issue?

Bob Worley replied that he has not spoke to Paul Babb about this.

Shag Miller suggested they try to have delegate the situation with Bob McCarthy. Shag Miller and Northey Tretheway volunteered to meet with Bob McCarthy to try and resolve the issue. Shag Miller suggested that Wayne go with them. Shag Miller is going to call Bob McCarthy to set up an appointment for them to meet.

Shag Miller commented that Bob McCarthy did agree to review the changes.

Bob Worley introduced Charlie O'Leary who was present to address the Study Commission.

Charlie O'Leary started with reviewing the chronology of the Council and their involvement with the Study Commission. They were there a little over a year ago and they had six of them come at a time. They heard opinions from the commissioners about how the council functions and gave recommendations to the Study Commission about what to do with the council. Charlie stated that they have heard from Mike Kerns, who has been on the council for 18 years, say that things are working just fine and to leave things alone. They have heard from Charlie O'Leary, who has been on the council for 16 years say basically the same thing. Charlie made reference to Mike Sheehy, who has also been on the council for 16 years. Charlie stated that they have had some long-term commissioners, some medium range commissioners and some newer ones. Charlie commented at both public hearings, the Study Commission has heard consistent messages that the way the council is working now is working well. It has had 30 years to become a fine-tuned machine.

Charlie O'Leary made reference to Cindi Shaw's statement that there was indication that the Study Commission had taken a vote on the number of commissioners and it was decided to leave things as they are. Charlie stated that he was very pleased to hear that. Charlie stated shortly after that, there was an editorial in the newspaper by Gerry O'Brien. Charlie stated it was rather a surprising editorial made up of statements that were not true or things that had been made up that were not true. These statements had to do with the attendance of the council and the decision-making policy of the council. Charlie commented to refresh their memory, the things that bothered him the most was that their attendance was off and there were only a few people present to make the decisions anyway. Charlie stated it moved him to write a guest editorial to the Montana Standard, which appeared shortly after St. Patrick's Day. Charlie stated in that, he fully intended to take Gerry O'Brien to task about his comments. The reason Charlie did this was he could count on one hand the number of times Gerry has been in council chambers over the last 15 years. Charlie commented that he was not sure where Gerry was getting his notions or ideas that the council was non-functional; it needs to be changed. Charlie stated that he went up and did the research on the attendance record and it is over 80% attendance. Charlie stated there was also suggestion that the council was not a good buy and not worth the money that was spent. Charlie O'Leary stated the council is a very good buy for what the county is getting all the time out of 12 commissioners. Charlie stated when you compare that with all the cities around what they are spending on their legislative branch of government, Butte-Silver Bow is getting a real good deal.

The last thing Charlie wanted to discuss was the level of dedication on the part of the commissioners. Charlie commented they fill 24 seats on 19 different community boards currently. This is the pattern over the years. Commissioners are assigned to a lot of different boards. Charlie stated that he ended his editorial by stating, the Local Government Study Commission has done their homework as it relates to the council and has rightly chosen not to fix something that is not broken.

Charlie O'Leary stated the next surprise was the poll that is being taken from the Montana Standard about the commission being reduced in size. Charlie stated that he looked at the poll and voted in it. Charlie stated that he has little faith in newspaper polls for the following reasons: the sample size is small, the control is not scientific, and the response size is so small it is practically meaningless.

Charlie O'Leary commented in Gerry O'Brien's summary from last Sunday, he wrote about the elected Sheriff and Chief Executive. Gerry wrote in the article that an overwhelming number of people want to elect versus appoint. Gerry wrote in his article that there was more of a split on whether there should be fewer commissioners. However, the majority preferred retaining a twelve-member commission. Charlie stated that he looked at the online voting. There were 21 online votes and 76% percent of those votes voted to keep a twelve member commission. Charlie stated somehow the results from the other means of voting drew it down below the overwhelming results of the others. Charlie stated statically that is an anomaly in his mind.

Charlie O'Leary mentioned how Gerry chose to print two comments and both of them are illogical and negative. One of the comments was "having fewer commissioners would accomplish more than 12." Charlie asked them to think of the logic behind having fewer commissioners and being able to accomplish more. Charlie asked if they thought anyone would say that to the Sheriff? Is anyone going to say fire more police officers and more work will get done? Charlie believed the person who made that comment was mad at the council. The next comment was "do not take my right away but 32,000 people do not warrant having 12 commissioners." Charlie replied, if they were referring to 12 full-time commissioners, he would

agree. Charlie stated that what Butte-Silver Bow currently has are twelve commissioners that equate to three county commissioners and at a very good price.

One of the points Charlie wanted to make is the beauty of their system with having 12 part-time commissioners is the talent pool that the voters select from is as big as it will ever get with twelve part-time commissioners. Charlie stated when you look at the make up of the current and previous councils, most people work full-time jobs but they have the ten hours a week to put into the council. If you take that away by making people work full-time, you will shrink your talent pool to a very small number of people that will be able to serve on the council.

Charlie O'Leary read a list of 40 names of people that have served on the Council of Commissioners over the past 30 years. Charlie asked the Study Commission to take a pencil and check off the names of people they know as a member of the community. Charlie commented the names he read off are people that won the election to serve on the council and he could name off the other 20 that did not get elected. Charlie commented that those 20 people were also good solid people.

Charlie O'Leary made a two-page list of the things he has done for the community over the last 30 years. Charlie commented that he was not there to brag but he wanted to give an example. Charlie commented that everyone on the list that he mentioned could produce a list of things they are proud of and that they have done for the community.

Charlie O'Leary stated the question for the Study Commission is when you think about reducing the size of the council, why would you ever do anything to deprive Butte-Silver Bow and the citizens of this county? Charlie stated the council does not just submit letters to have stop signs put in or have potholes filled. The council produces a lot of good ideas. Charlie stated Butte has 12 minds and the wheels are spinning all the time. One example he gave was Mike Sheehey who came up with Evil Knievel Days and Levi Leipheimer Days. Charlie asked what they saw on Main Street these days. Charlie commented that you will see brand new side walks, places where trees will be planted, new light poles. Charlie asked where did all that start? Charlie stated it was Ristene Hall who got that started. She wrote the first letter on central Butte improvement. Charlie gave another example of the jail and stated he could go on all night long with examples that the commissioners have done for the community.

Charlie O'Leary read a couple of comments that Gerry O'Brien chose not to publish in the paper. "The idea of less representation for our city's people is repugnant to me. I like the fact that I not only know my commissioner but I can talk to him on the phone any time." "It is a great comfort to me."

Charlie O'Leary mentioned a comment that stated, "Two meth users were busted in my very block due to the efforts of law enforcement and involvement of my commissioner." "Mobilizing small communities is vital to taking this community back." "Streamlining government is a stupid, stupid idea when it comes to saving money." "It is up to the citizens to make their commission accountable." "My point is we need commissioners who are accountable to their particular neighborhood. Every area is different."

Charlie O'Leary read the next comment that Gerry did not publish stated as follows, "In this case, fewer is not better. A larger group up to a point is more difficult to bring under special interest control." Charlie explained what that comment was stating is that they fear that a small number of commissioners can easily be taken over by the wrong interest.

Charlie commented that he has heard it said that the council is not efficient or that they hold things up. Charlie stated that is not the case. Charlie gave an example of the Three Bears deal. The executive branch of economic developers were working on that and it came to the time where the council had to act on something. They have to do a public hearing; they also have to pass a motion and so forth. When it came to the commissioners, they acted upon it very quickly. Charlie referred back to the hard rock mining money...the Bugs and Bullets issue. There was a short delay there because some commissioners wanted to see a policy established. That was put together quickly and then approved by the council. Charlie stated they approved the hard rock mining money for McKenzie River Pizza and Bugs and Bullets. They are now moving on to Three Bears, which moved along real quickly.

Charlie O'Leary gave an example of how things do get held up. Charlie had written a letter on September 15, 2000. That was the letter that had originally asked to pursue fuel reduction in the Basin Creek watershed. It was voted on by all 12 commissioners. The council contacted the Forest Service to move forward with the fuel reduction. The Forest Service was very cooperative and had all their scientists together. They came up with five different plans for the council. Charlie commented then add in the environmental groups who decided to sue them. When that happened, he wrote a letter to council requesting they seek comment and support from federal senators and representatives. There was another unanimous vote from the commission that voted in favor of that. Charlie stated that they wanted the senators and representatives support and have them in favor of the fuel reduction. Charlie stated they never did get it and could not get one of them to come out and support the commissioners on fuel reduction. Charlie stated that the council has stood alone on this issue and have never wavered from it. Charlie believed the judge was going to rule in their favor eventually. Charlie's point was it is not the council that holds things up that are good for the community.

Charlie O'Leary wanted it to be known how accessible all the commissioners are.

Charlie O'Leary commented on the idea of having 6 districts and two commissioners per district so there is backup. Charlie stated there is backup; if someone is gone, all of them are willing to step up in that persons place. Charlie stated he would be against this because he also represents the rural district. He is the only rural person that has ever been elected in the Council of Commissioners. Charlie stated there is only one reason he was elected and that was because his district wraps around town. Charlie mentioned in district 12, he has ended up representing them on a fair amount of things. Charlie stated they would never be able to elect a rural person and the reason is because they have Walkerville and Centerville with a lot more votes than the rural people. His is the only district that there will ever be able to represent a rural person. Charlie stated that his interest there is not of any type of self-preservation because his term is done as of December 31, 2008. He is not going to be up for re-election. He is making all these comments only out of the interest for Butte. Charlie stated the rural people deserve to have at least one vote on the council. Charlie stated consolidation is still a bad taste to many rural people. Charlie stated if you combine districts with Mike Kerns, it would be two urban people to get elected because the urban vote would overtake the rural vote. It is unfair to think about combining districts. The need is not there for backup.

Charlie O'Leary summarized that it is not necessary for them to change something that is working so well. He thinks they would be depriving this community from the base of talent that comes with the part-time commissioner jobs.

Ristene Hall commented on Charlie's comment on combining the districts and there being two commissioners on each district. Ristene stated she could see a real active commissioner and a not

so active one in the same district. This would cause the active commissioner to do all the work. Ristene likes the fact that currently every commissioner has his/her own district and people to take care of.

Cindi Shaw commented that she has been in contact with her district (11) and it being so unique. Cindi commented that having 3000 people in her district is a lot of people in that area. She could not imagine doubling that and feeling as much of a personal connection because of each district being so different. Ristene Hall commented how her district was also unique. Ristene Hall thought one problem with having two in each district is one might only take care of the nicer areas and leave the run down areas for the other person.

Northey Tretheway stated that he has been an advocate to be bolder on the things they have been doing. Northey stated to Charlie that it has not been based on his performance or reflection of what is going on with BSB. It was more based on when they are talking about these items, they want feedback from the public and there are some people that think there are too many commissioners. Northey stated that he is not necessarily for that but he does have some questions. Northey asked Charlie what he believed the function of the council was and their purpose? Charlie replied that all of their responsibilities and duties are spelled out in the charter. They are the legislative branch. They approve the budget, pass all the resolutions and ordinances. In addition to those, they are the liaison between the citizens and BSB government. They are the advocates for the citizens.

Northey replied when he read the rights of state law with regard to the policy-making functions of the council. Northey asked Charlie how much policy do they get into with regard to BSB? Northey wanted to know why the Study Commission has had to address problems with dogs, questions regarding “at will” employment versus “at the pleasure of” and if that should be better served by the council. Northey felt because those issues were not being addressed properly, it seems to roll back into the charter. Northey explained that the charter is supposed to be a document that governs from the standpoint of form and structure. He did not think those things should be falling into the charter but they are because they are not being addressed correctly. Northey asked Charlie if they need to be dealing with Animal Control in the charter and he replied no.

Bob Worley added in the last public hearing, there was an occurrence that almost turned into a personnel issue. Bob Worley asked if it should state in the charter where certain departments are controlled by another department such as Land Records under the Clerk and Recorder. Bob Worley stated that they tried to get out of that situation by removing some language from that section out of the charter. It now reads, “the Council of Commissioners shall maintain by ordinance a Land Records System. The charter currently states, “within the Office of the Clerk and Recorder. They chose to remove the language, “within the Office of the Clerk and Recorder”. They have come under fire for that and Bob did not feel they should have.

Charlie O’Leary did not think they should be handling animal control issues because the government is set up with the legislative and executive branch. There are clear duties that fall under the executive branch such as Public Works. The responsibility for that should go through the chain of command starting at the bottom with the two animal shelter employees and two wardens. They answer to John VanDaveer, who answers to Paul Babb. Charlie had with him the ordinance that was passed creating the Animal Shelter Board. Charlie sent comments to the Animal Shelter Board to recommend to council some clarification. They need repeal the old ordinance and clarify the new one. The new board is overseeing animal control and the shelter.

Northey Tretheway asked Charlie about Superfund. Charlie replied the Superfund issue is kind of winding down. Northey stated the reason he was asking is because they were talking about a Human Resource function in the charter and they are talking about Superfund responsibilities in the charter. Northey stated even though Superfund is winding down, there is at least 100 years of fiscal and financial terms tied to that. Northey stated someone brought up the long-term success of Butte depended on how Superfund was handled. Northey asked Charlie why is the public coming to them with those issues? Northey stated it frustrates him because the purpose of the Study Commission is to look at the form and structure of government. Not to get down to the details like they have done over the last 15 months. Northey asked Charlie if there was anything the commission do better? Northey believed the charter issues are too complex, as they exist.

Charlie stated the council runs its business through a set of rules that they are currently examining to clarify some issues. They are also looking at creating another standing committee because they get so many issues regarding police and fire. John Sorich thought they should look at establishing a Public Safety Committee. Charlie stated they are currently looking at this and what they would probably do is split one person off from each of their other standing committees. Charlie stated as far as issues that are not getting resolved and ending up being addressed to the Study Commission, he would like Northey to enumerate what issues they are. Charlie commented regarding the dog issue, what has happened in the last two-three years is they had a contract with the Chelsea Bailey Humane Society. That contract fell apart and BSB entered into a two-year contract with Pintler Pets. BSB then sat back down with Chelsea Bailey and they offered the facility. BSB has since taken that over and the council has taken care of those issues. BSB is now where it wants to be. BSB has it's own animal shelter operated by its own staff. The board is going to handle the animal control and shelter. Charlie commented you need to add the spay and neuter service. A lot of things are coming together regarding the dog issues. One thing Charlie would like to see in the future is the ability to contract animal control services.

Northey replied that is the point he has been making. If they put that language in the charter, they are taking a lot of options away from the council. If the Council of Commissioners wants to contract something yet the charter states there needs to be a department with a department head that takes that option away from the Council of Commissioners. Northey again stated they should only be looking at the form and structure of government and the existing charter is too complex. Northey asked Charlie in regard to policy if they put together a vision for Butte? What do they think Butte is going to be like in 10 years? What are they doing to improve Butte over the next 5 to 10 years? Charlie replied that he thought Northey's vision from the community would come from the Chief Executive. Northey replied that he has the vision but does the council prompt that? Northey stated it is easy to put it off.

Shag Miller commented that he is in favor of keeping the size of the commission at 12.

Northey Tretheway replied what is beautiful about this whole discussion is there is some debate. There are some people that do not agree that there should be 12 commissioners. They should not fear or worry that someone has a better message to convey than what he himself could convey. That is not opening it up for legitimate debate.

Charlie O'Leary replied that they have real problems to deal with in this community that deserves debate time such as the whole thing with the Police Department. Charlie stated if the number of commissioners gets on the ballot, he would be at every service organization saying to them what he has said tonight. He would rather be engaging in other things to help BSB.

Shag Miller commented that there are some people in the Study Commission that want to pass the recommendations in the charter, they do not want a constituency out there trying to defeat them.

Charlie thought if they had some real legitimate reasons for wanting to reduce the size of the council such as monetary reasons, he would say go for it.

Tony Bonney commented to Charlie that one of things he would like to discuss is personal style. He agrees with Charlie on that. Tony wanted to make it clear to Charlie the three topics they put in the paper had a lot to do with personal style. Not until recently were there cars being picked up off the street, streets being cleaned, the dog problem not being addressed properly. He did not think that by putting it in the charter it puts a burden on everyone in the community but it takes issue and deals with it. Tony feels community enrichment is a big thing for Butte. You look over at the Berkley Pit and people either see a big ugly hole in the ground that is largest Superfund site in the United States or they see something from when their parents worked there. Tony mentioned the dog problem issues that have been brought up in the public hearing meetings. The Superfund will be a big issue in Butte for the next 100 years. Personal style has a lot to do with that. Tony commented that he agrees that the dog problem is getting better and other changes are being made for the good. To put those issues in the charter means that not only Paul Babb will have to deal with them but for example, Joe Smith 30 years from now is going to have to deal with it because it is in the charter and it won't be an issue of personal style.

Cindi Shaw commented when Jean Rupert was present at one of their meetings. She brought it to their attention that the voters voted in a Central Purchasing Department. The ordinance was created and signed by Mike Kerns and it never happened. Cindi wanted to know why they should put forth all the hard work of putting suggestions in the charter if it is not going to be implemented. Cindi stated that she has somewhat lost her trust and faith in the charter.

Northey Tretheway replied that is the problem with trying to make the charter a micro-management tool. You can put language in the charter but it is a matter of interpretation.

Charlie O'Leary commented the telling document is when they look at the ballot that was passed around; Charlie stated that he knows for sure the description of the fire district has changed. Charlie stated that he is going to take credit for what occurred there. Charlie stated they had a real fight over the fact that they wanted to impose 35 mills in the rural district and had huge hearings on that subject. Charlie proposed they do 10 mills for emergency services on the outlying areas outside the fire district. It was very specific that had to do with the expansion of the fire district. The only other place that business Northey was talking about could have been was in the notion of the stylistic changes.

Northey replied there is a separate section in the charter and there was an ordinance written for it. Cindi replied it is Section 10.06 (c).

Charlie O'Leary stated that it saddens him to hear how they have lost faith on how things are implemented. Charlie confirmed that they did pass the council bill and stated if it is not being adhered to then it needs to be challenged. To do that, a citizen, department head or any commissioner needs to write a letter to council to request a review of compliance on Council Bill 600.

Shag Miller thanked Charlie O'Leary for his thoughts and comments.

Date of Next Meeting: May 11, 2006

Adjournment: Bob Worley entertained a motion for adjournment. Shag Miller moved and Northey Tretheway seconded. Meeting adjourned at approximately 7:45 p.m.